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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE WESTERN DISTRICT OF WASHINGTON**
11 **AT TACOMA**

11 CHANEL, INC., a New York corporation,

12 Plaintiff,

13 v.

14 KELLY BRENNAN, an individual, d/b/a
15 KELLYSCASES.COM d/b/a KELLYS CASES
16 d/b/a X PINK MASCARA, the INDIVIDUALS,
17 PARTNERSHIPS AND/OR
18 UNINCORPORATED ASSOCIATIONS DOING
BUSINESS AS THE ALIASES IDENTIFIED ON
SCHEDULE "A" and DOES 1-10,

19 Defendants.

Case No. 14-05451-cv-RJB

**FINAL DEFAULT JUDGMENT AND
PERMANENT INJUNCTION**

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21 THIS CAUSE came before the Court on Plaintiff, Chanel, Inc.'s ("Plaintiff" or "Chanel")
22 Motion for Entry of Final Default Judgment and Permanent Injunction ("Motion for FDJ") [ECF
23 No. 44], filed on December 22, 2014. The Court has carefully considered the Motion, the record
24 in this case, and the applicable law, and is otherwise fully advised in the premises.

25 By the instant Motion, Plaintiff's move for entry of final default MATTER having come
26 before the Court upon motion by Plaintiff, Chanel, Inc. for entry of a final default judgment and
27 entry of a permanent injunction against Defendants, the Individuals, Partnerships or
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Unincorporated Associations identified on Schedule "A" attached hereto (the "Defendants") pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure; and the Court having considered the moving papers and there being no opposition thereto;

IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Final Default Judgment is GRANTED, and judgment is hereby entered in favor of Plaintiff, Chanel, Inc., a New York corporation, with its principal place of business in the United States located at Nine West 57th Street, New York, New York, 10019, and against the Defendants on all Counts of the First Amended Complaint as follows:

(1) Permanent Injunctive Relief:

Defendants and their officers, agents, servants, employees and attorneys, and all persons acting in concert and participation with Defendants are hereby permanently restrained and enjoined from:

- a. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods bearing the Chanel trademarks identified in Paragraph 13 of the First Amended Complaint (the "Chanel Marks");
- b. using the Chanel Marks in connection with the sale of any unauthorized goods;
- c. using any logo and/or layout which may be calculated to falsely advertise the services or products of Defendants offered for sale or sold via the commercial Internet websites and commercial Internet iOffer auction stores operating under the domain names and auction stores identified on Schedule "A" hereto (the "Seller IDs and Subject Domain Names"), and/or any other website, e-store, or business, as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff;
- d. falsely representing themselves as being connected with Plaintiff, through sponsorship or association;
- e. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants offered for sale or sold via the Seller IDs and Subject Domain Names, and/or any other website, e-store, or business are in any way endorsed by, approved by, and/or associated with Plaintiff;

- f. using any reproduction, counterfeit, copy, or colorable imitation of the Chanel Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants via the Seller IDs and Subject Domain Names, and/or any other website, auction store, or business, including, without limitation, high quality costume jewelry, including bracelets, earrings, rings and necklaces, handbags, sunglasses, belts, shoes, and protective covers for portable electronic devices, including cell phones, bearing the Chanel Marks;
- g. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent goods offered for sale or sold by Defendants via the Seller IDs and Subject Domain Names, and/or any other website, e-store, or business, as being those of Plaintiff or in any way endorsed by Plaintiff;
- h. otherwise unfairly competing with Plaintiff;
- i. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above; and
- j. using the Chanel Marks, or any confusingly similar trademarks, within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the commercial Internet websites and commercial Internet iOffer auction stores operating under all of the Seller IDs and Subject Domain Names.

(2) Statutory Damages:

- a. Statutory damages in favor of Plaintiff and against Defendants pursuant to 15 U.S.C. § 1117(c), should be entered as follows per Defendant:
 - **Defendant 6 (Seller ID Armani39635):**
\$20,000.00 per registered Chanel Mark counterfeited (1) per type of good sold (1) results in a damage award against this Defendant in the amount of \$20,000.00.
 - **Defendant 7 (Seller IDs hohot and ring2013):**
\$20,000.00 per registered Chanel Mark counterfeited (2) per type of good sold (3) results in a damage award against this Defendant in the amount of \$120,000.00.
 - **Defendant 8 (Seller ID iphone6shop):**
\$20,000.00 per registered Chanel Mark counterfeited (1) per type of good

1 sold (1) results in a damage award against this Defendant in the amount of
2 \$20,000.00.

3 - **Defendant 9 (Seller ID kaie8886):**

4 \$20,000.00 per registered Chanel Mark counterfeited (1) per type of good
5 sold (1) results in a damage award against this Defendant in the amount of
6 \$20,000.00.

7 - **Defendant 10 (Seller ID wideseaintl and Subject Domain Names**
8 **ustrendy.com/store/casemoda and wish.com/merchant/casemoda):**

9 \$20,000.00 per registered Chanel Mark counterfeited (1) per type of good
10 sold (1) results in a damage award against this Defendant in the amount of
11 \$20,000.00.

12 for which let execution issue;

13 (3) Costs of Suit: \$750.00 in favor of Plaintiff and against Defendants pursuant to 15
14 U.S.C. § 1117(a), jointly and severally, for which let execution issue.

15 (4) The bond posted by Plaintiff in the amount of \$10,000.00 is ordered to be released
16 by the Clerk.

17 (5) All funds currently restrained by PayPal, Inc. ("PayPal"), and the domains,
18 wish.com and ustrendy.com, pursuant to the temporary restraining orders and
19 preliminary injunctions in this action are to be immediately (within 5 business
20 days) transferred to Plaintiff in partial satisfaction of the monetary judgment
21 entered herein. PayPal, wish.com and ustrendy.com, shall provide to Plaintiff at
22 the time the funds are released, a breakdown reflecting the (i) total funds
23 restrained in this matter; (ii) the total chargebacks, refunds, and/or transaction
24 reversals deducted from the funds restrained prior to release; and (iii) the total
25 funds released to Plaintiff. On an ongoing basis, should PayPal, wish.com and
26 ustrendy.com, become aware of additional payment accounts related to the
27 Defendants herein, PayPal, wish.com and ustrendy.com, shall also restrain and
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1 transfer the funds in such accounts to Plaintiff in satisfaction of this judgment
2 until the judgment is paid in full.

3 (6) Interest from the date this action was filed shall accrue at the legal rate. *See* 28
4 U.S.C. § 1961.

5 (7) The Court retains jurisdiction to enforce this Judgment and permanent injunction.

6 **IT IS SO ORDERED.**

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8 DATED this 22nd day of December, 2014.

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11 ROBERT J. BRYAN
12 United States District Judge
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SCHEDULE A
DEFENDANTS BY NUMBER AND SELLER IDS AND SUBJECT DOMAIN NAMES

Defendant Number	Domain Name/ Seller ID
6	Armani39635
7	hohot
7	ring2013
8	iphone6shop
9	kaiem8886
10	wideseaintl
10	ustrendy.com/store/casemoda
10	wish.com/merchant/casemoda